

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DAVID COTTRELL,

Plaintiff,

Case No. 3:20-cv-98

vs.

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

District Judge Michael J. Newman
Magistrate Judge Sharon L. Ovington

Defendant.

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE (DOC. NO. 14); (2) OVERRULING THE COMMISSIONER'S OBJECTIONS (DOC. NO. 15); (3) REVERSING THE ALJ'S NON-DISABILITY FINDING; (4) REMANDING THIS CASE, UNDER SENTENCE FOUR OF 42 U.S.C. § 405(g), TO THE ALJ FOR FURTHER PROCEEDINGS; AND (5) TERMINATING THIS CASE ON THE COURT'S DOCKET

This Social Security case is before the Court on the Report and Recommendation issued by United States Magistrate Judge Sharon L. Ovington (doc. no. 14), to whom this case was referred pursuant to 28 U.S.C. § 636(b). Judge Ovington recommended that the ALJ's non-disability finding be reversed and this case remanded to the ALJ under Sentence Four of 42 U.S.C. § 405(g). The Commissioner filed objections to the Report and Recommendation. Doc. No. 15. As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(a), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all filings in this matter, including the Commissioner's objections.

Upon careful *de novo* consideration of the foregoing, the Court determines that the Report and Recommendation should be adopted and the Commissioner's objections overruled. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation (doc. no. 14) is

ADOPTED in full; (2) the Commissioner's objections (doc. no. 15) are **OVERRULED**; (3) the ALJ's non-disability determination is **REVERSED**; (4) pursuant to Sentence Four of 42 U.S.C. § 405(g), this case is **REMANDED** to the ALJ for further proceedings consistent with this Order and the Magistrate Judge's Report and Recommendation (doc. no. 14); and (5) this case is **TERMINATED** on the Court's docket.

IT IS SO ORDERED.

June 21, 2021

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge